

MANDATE
United States Court of Appeals
For the First Circuit

04-10864
USDC/MA-Bo
Zobel, R.

No. 04-2470

CHIMA NELSON UGOCHUKWU,

Petitioner, Appellant,

v.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent, Appellee.

Before

Boudin, Chief Judge,
Selya, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: December 4, 2007

Petitioner, Chima Nelson Ugochukwu, appeals from the dismissal of his habeas petition. See 28 U.S.C. § 2241. Pursuant to our March 9, 2006 order, we explained that we will construe this appeal as a petition for review. See Ishak v. Gonzalez, 422 F.3d 22, 30 (1st Cir. 2005). We have carefully reviewed his petition, and, for the reasons stated in the aforementioned order, we deny it.

We add only that we will not consider petitioner's new argument that country conditions in Nigeria have changed. Petitioner did not timely raise the claim. See United States v. Lemmerer, 277 F.3d 579, 592 (1st Cir. 2002) (we generally do not consider arguments raised for the first time in a reply brief); Opere v. INS, 267 F.3d 10, 14 (1st Cir. 2001) (arguments never raised before the BIA are waived for failure to exhaust administrative remedies).

Accordingly, we DENY the petition for review and DISMISS petitioner's appeal.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

By the Court:
Richard Cushing Donovan, Clerk.

Richard Cushing Donovan, Clerk


Deputy Clerk

MARGARET CARTER

By: _____
Chief Deputy Clerk.

Date:

1/23/08
[cc: Chima N. Ugochukwu, Frank Crowley, Esq., Jeffrey Mark Cohen, Esq., Michael P. Sady, AUSA, John Furlong, Esq.]